

MONTANA LEGISLATIVE HISTORY

Chapter 534 19 81

Bill H _____ S 325 Original bill & history C

H. Committee on State Administration

S. Committee on Local Government

Hearing Date(s) Mar 09 ☒ C

Hearing Date(s) Feb 10 ☒ C

Mar 22 ☒ C

Feb 18 ☒ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

Date Out Mar 22 ☒ C

Feb 18 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

TRANSMITTED TO GOVERNOR: 4/22/81
ACTION: 4/29, SIGNED
CHAPTER 533

323 -- OCHSNER, ZABROCKI, CONOVER, ET AL -- INCORPORATING BY
REFERENCE THE FEDERAL SCHEDULES OF CONTROLLED SUBSTANCES.
INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY: 1/29
HEARING: 2/6
FAILED TO MEET TRANSMITTAL DEADLINE: 2/25 -- DIED

324 -- JOHNSON -- REVISING THE EXEMPT SECURITIES TRANSACTIONS BY
CHANGING THE NUMBER OF PERSONS TO WHOM AN OFFER MAY BE DIRECTED.
INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS AND
INDUSTRY: 1/29
HEARING: 2/11
FAILED TO MEET TRANSMITTAL DEADLINE: 2/25 -- DIED

325 -- STEPHENS, KOLSTAD -- REVISING THE SALARY SCHEDULE OF A YOUTH
COURT PROBATION OFFICER.
INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 1/29
HEARING: 2/10
REPORT: 2/18, DO PASS AS AMENDED
2ND READING: 2/20, DO PASS AS AMENDED
3RD READING: 2/23, YEAS: 50

TRANSMITTED TO HOUSE: 2/23
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 2/23
HEARING: 3/9
EXECUTIVE SESSION: 3/27
REPORT: 3/27, BE CONCURRED IN, AS AMENDED
2ND READING: 3/30, YEAS: 68; NAYS: 10
3RD READING: 3/31, YEAS: 84; NAYS: 12

RETURNED TO SENATE WITH AMENDMENTS: 3/31
2ND READING: 4/10, BE NOT CONCURRED IN
ON MOTION, 4/13, CONFERENCE COMMITTEE APPOINTED

CONFERENCE COMMITTEE REPORT: 4/21
SENATE
2ND READING: 4/22, BE CONCURRED IN
ON MOTION, 4/22, RULES SUSPENDED, PLACE ON 3RD READING
3RD READING: 4/22, YEAS: 48; NAYS: 0

HOUSE
2ND READING: 4/22, YEAS: 90; NAYS: 0
ON MOTION, 4/22, RULES SUSPENDED, PLACED ON 3RD READING
3RD READING: 4/22, YEAS: 94; NAYS: 1

TRANSMITTED TO GOVERNOR: 4/23/81
ACTION: 4/29, SIGNED
CHAPTER 534

326 -- SENATE TAXATION COMMITTEE -- PROVIDING A PERMIT SYSTEM FOR THE
REGISTRATION OF ALCOHOL STILLs.
FISCAL NOTE: REQUIRED
INTRODUCED AND REFERRED TO COMMITTEE ON TAXATION: 1/29
HEARING: 2/11
FAILED TO MEET TRANSMITTAL DEADLINE: 4/6 -- DIED

327 -- RAFFERMAN, CONOVER, ET AL -- INCREASING THE AUTHORITY TO ALTER

Senator McCallum then called for questions from the committee.

Senator Conover asked Senator Aklestad what this will do to various counties with existing districts.

Senator Aklestad said this bill is not retroactive. Those in operation now will remain the same.

Senator Hammond asked if this is working well now, why do we have a situation where there are 6 hearings of protest in the eastern part of the state.

Pat Trusler said people are not educated as well as they should be. People should take the initiative to get involved.

Senator Hammond said he represents 15 small towns, 2 of those towns are threatened by law suits. This bill might satisfy the efforts by those people.

Pat Trusler said Lake County is one of a few counties that have a total solid waste district. They have an appointed board and they can devote more time to it. If they are elected with no compensation, special interest groups could gain power over the district.

Senator Hammond thinks we are talking about two different areas. We are talking about heavily populated areas in western Montana as compared to sparsely populated areas in eastern Montana. He thinks we have 2 different problems.

Mr. Trusler agreed it was totally the opposite in eastern Montana than in western Montana.

CONSIDERATION OF SENATE BILL NO. 325:

AN ACT TO REVISE THE SALARY SCHEDULE OF A
YOUTH COURT PROBATION OFFICER.

Senator Stephens, District No. 4 and sponsor of the bill, was requested by members of the Montana Probation Officers Association to introduce this bill. Three of the members will speak on the bill. The problem is, it has been tradition that youth court probation officers go to the legislature every two years to request a salary commensurate with their education and responsibilities. They are trying to eliminate that biennial journey to the legislature. The numbers in this bill are not necessarily sacred but they had to start somewhere. The figures are based on an analysis of the qualifications required, education and caseloads. There are many people that deal in the area of youth court probation. These people try to prevent these youths from going to Deer Lodge

The salary they arrived at was not to be lower than a grade 19, step 1 or higher than a grade 20, step 13. This is a range from approximately \$25,000 to \$34,000. The deputy probation officers' compensation would be no lower than grade 16, step 1 and no higher than grade 18, step 13, a range between \$19,286 and \$30,173 per year. He feels the figures are realistic in keeping with today's inflation rate and their duties. Most of them are now being paid \$20,000 per year. This will have no fiscal impact on the state, just on the counties. Each county is different and has a different formula. The judge is allowed to make a determination of the salary schedule. Senator Stephens then introduced three chief probation officers, Jeremiah Johnson, Glen Hufstetler and Mike Redpath.

Glen Hufstetler, probation officer from Flathead County, said the education requirements have been upgraded primarily due to the legislature. There are 64 probation officers in the state, most of them have their bachelors degree or their masters. These people are putting in approximately 18 hours a week over 40 hours and receive no overtime or pay compensation. In the last 12 months, Mr. Hufstetler averaged 14.5 hours over and above 40 hours per week. Deputies are put upon more than that. Mr. Hufstetler said they are not complaining, this work requires dedication and concern but they are task oriented, they care about the kids and work on a close basis with them. Their success ratio is good. In Flathead County they take to formal court less than 1%. Others are deferred and work out informally. Education is ongoing and upgrading. He appreciates the opportunities given by the legislature to go to management training classes. He encourages consideration of this bill. He then handed out three letters written by two of the other chiefs and himself. (See attached Exhibit F.)

Jeremiah Johnson, probation chief in Missoula County, addressed the issue of the pay matrix. They discovered just recently the matrix they started using was the 79-80 matrix. They are trying to devise a system where there would be approximately a 15% raise in the biennium. They arrived at grades 14-15 for deputies and grades 18-19 for chiefs to give them that percentage. They would like to be able to come up with a system that would take care of them about 10 years down the road so they do not have to request raises each biennium. Mr. Johnson receives \$35 per month from Mineral County, Sanders County pays him over \$200 per month. The salaries are broken down by the amount of time you work in each county. Some judicial districts have as many as 7 counties in them

Mike Redpath, probation officer in Great Falls, said they are a small group with many responsibilities. They develop their own budgets, participate in public speaking engagements, deal with all agencies with services for juveniles, work with families, employment agencies and schools, plus their work with their individual caseloads. Their job is never ending. They are on call

beyond a 40-hour work week. The new officers are of college caliber. He has been in the business for 5 years, graduated from college and has obtained his masters degree. There are a couple others he works with that are close to receiving their masters. Many are continually upgrading their education.

Senator McCallum then called for opponents of the bill.

Mike Stephen, Montana Association of Counties, said this system stems fully into the district court system which is a state system the county pays the bills for. They answer to judges and do not answer to the county as to their activities. He thinks looking into the future 10 years is too long as far as the matrix is concerned. Counties are losing taxable valuation and it remains to be seen whether counties will be able to provide present services let alone give these salary increases.

Senator Stephens added, in closing, that he appreciates Mr. Stephens' concerns on behalf of the counties, they are shared by the proponents of this bill. The counties are hard pressed and are facing a bill that could cause them to lose tax revenues. The basic point is you have to look at the work being done. Men dedicate their lives to these problems with the youth. If we ask people to dedicate their lives, we need to compensate them properly. They don't say this is the right matrix. The committee might want to study this but they do need a reasonable increase and don't want to come to the legislature to beg for their income every two years. They deserve the committee's thoughtful consideration.

Senator McCallum then called for questions from the committee.

Senator Hammond asked if they serve 7 counties down to less than is there mileage or per diem as part of the salary.

Mr. Johnson said some districts furnish cars, others go on mileage.

Senator Van Valkenburg said there is a serious problem with putting county employees on the state matrix. Once we open up that matrix to county employees, every county employee is going to go for it. He realizes the situation is unique because the legislature sets the range of their pay. We also have a problem in this area in that youth court probation officers continue to be outside the correctional system. With this pay they would be tied with what the state adult probation officers are getting. That would create considerable problems. You ought to be state employees if you are on the state pay plan.

Glen Hufstetler realizes there is a problem with attaching to the state pay plan. They don't wish to cause a burden on the counties. County commissioners are in favor of something like this so they can accurately budget for the probation officer's salary. The way it is now, they have no way of knowing what to budget for the county

year. They need something similar to the state matrix. This is not a sacred document, they are just asking to be put on a matrix system so they can stay at home so they don't have to go to the legislature all the time.

Senator Hammond asked if Mr. Hufstetler was on the merit system no

Mr. Hufstetler said he works for the district court judges. They feel they need to be working on the judicial basis because of the flexibility. They need to be able to meet their own needs.

Senator Hammond asked who employs him.

Mr. Hufstetler said the judges hire them. The county pays them.

Senator Conover asked what the top pay is throughout the state for youth probation officers.

Mr. Johnson said \$20,000. He added they do not want to be attache under the state but do want to remain with the district judges.

CONSIDERATION OF SENATE BILL NO. 328:

AN ACT TO REVISE THE PROVISIONS ON MUNICIPAL
VACANCY IN OFFICE TO INCLUDE THE SAME GROUNDS
APPLICABLE TO VACANCY IN STATE OFFICES.

Senator Van Valkenburg said Senator Thomas introduced this bill at Senator Van Valkenburg's request, that was why he was presenting the bill to the committee. They had a situation in the last biennium where a city council member suffered a heart attack and, as a result, was severely incapacitated for a great length of time. This individual was, for all practical purposes, not functioning mentally. He was placed in a hospital and then in a nursing home. He has since recovered to some degree and is serving on the council again. The question is whether his seat was vacant or not on the city council and if he was neglecting his duties. This bill puts in place what is existing law with respect to vacancies in state offices. This provides a clear definition as to whether an office is vacant or not if the person is determined to be seriously mentally ill. If this is a law that applies to all state officers it should apply to municipal officers. This is no attempt to go after that individual but if it should happen again, he feels the law should be clear on this.

Dan Mizner of the League of Cities and Towns said this is not a problem just in Missoula but in other places in the state. This gives guidelines and the League supports it.

There were no further proponents and no opponents of this bill. Senator McCallum then called for questions from the committee.

ROLL CALL
LOCAL GOVERNMENT COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 2/10/81

NAME	PRESENT	ABSENT	EXCUSED
Senator George McCallum	✓		
Senator Jesse O'Hara	✓		
Senator H. W. Hammond	✓		
Senator J. Donald Ochsner	✓		
Senator Bill Thomas		✓	
Senator Max Conover	✓		
Senator Fred Van Valkenburg	✓		

Each day attach to minutes.

Youth Court Services

Eleventh Judicial District

Box 839 - Kalispell, MT 59901

(406) 755-5300

M E M O

J. M. SALANSKY
ROBERT C. SYKES
Youth Court Judges

R. GLEN HUFSTETLER
Chief Probation Officer

DEPUTIES:
Kevin J. Burham
Noel Kirack
Elisabeth A. Moothart

January 19, 1981

TO ALL CHIEF PROBATION OFFICERS AND DIRECTORS OF YOUTH COURT SERVICES:

In discussing our upcoming legislation with Senator Stan Stephens, he expressed a concern regarding us being placed on the state plan. We assured him that we did not specifically want to be on the state pay plan but one similar to it. His concern was that we would be compared to state probation and parole. I made every effort to assure him that our job description does not in any way match their's, that our responsibilities were entirely different, and while we were in no way putting down state probation and parole, our duties and responsibilities were indeed different.

We, at this time, feel a need to recommend to Youth Court workers throughout the state that in discussing this legislation with your legislator, judges, and all concerned about this particular piece of legislation, you do all within your power to clarify our job description and responsibilities. I would recommend if you have not done so, that you make every effort to present an accurate image of the Youth Court system and our duties and responsibilities and would suggest to you that while we are fairly well known throughout the state as Juvenile Probation Officers, we change that image to Youth Court Services, with probation being one of the many services we offer the community. Until that image is understood, I feel we are going to have difficulty in maintaining an adequate and meaningful salary base for our people.

The approach we are looking at in this year's legislation would be one of Youth Court workers, counselors, therapists, foster home coordinators, probation officers and any other services that the court may provide.

If you have any input or can do anything to further this philosophy, please don't hesitate to contact me either by phone or by letter.

Sincerely,



R. GLEN HUFSTETLER
Chief Probation Officer

RGH/gw

*Miss Redman
Jury 12/22*

Youth Court Services

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Box 839 - Kalispell, MT 59901

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J. M. SALANSKY
ROBERT C. SYKES
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R. GLEN HUFSTETLER
Chief Probation Officer

DEPUTIES:
Kevin J. Burham
Noel Kirack
Ellisabeth A. Moothart

January 20, 1981

Senator Stan Stephens
Montana State Legislature
State Capitol
Helena, Montana 59601

COPY

Dear Senator Stephens:

I would, at this time, like to thank you for the time allotted me on the 9th of January to discuss our upcoming bill. You indicated an interest in some relevant data pertaining to our salaries. As you are aware, we are currently under a mandated ceiling in that Chief Probation Officers are to be paid no more than \$20,000 per year. Most of the chiefs in the larger areas are and have been receiving that amount since the last legislature.

It would appear that our problems largely stem from a lack of understanding and probably poor communication on our part. Most of the more populated areas and some of the smaller communities have taken positive steps to insure the much needed change in our image. We are, by many, compared to adult probation and parole and juvenile aftercare when, in fact, our positions have very little resemblance. Missoula, Billings, Great Falls, Kalispell, Bozeman, Lewistown and Miles City, as well as other Judicial Districts, have changed the name to more accurately describe the job and its particulars. For example, our office offers individual and private counseling, group therapy, family counseling, as well as supervising those youths placed on informal or formal probation prior to being committed to an institution. We are also heavily involved in a foster home program. In our district our foster home program is larger than Welfare's program for youths in their teens. We currently have approximately 28 homes and approximately 20 youths involved in foster care placements. This necessitates our doing a unique form of counseling to unite these youths with their parents.

Approximately 40% of our work has been given to preventative programs, such as volunteer walk-ins by both parent and child, where amicable solutions are discovered and specific programs designed to accommodate the needs of the parties in question. Approximately one percent or less of those cases handled in our office end up in formal court.

Because of the educational requirements and the insistence of District Court Judges that our educational training be an on-going

January 20, 1981

thing, our officers are required each year to attend at least one training session or workshop to improve their therapeutic skills, as well as their ability to deal with delinquent and disturbed youth.

In discussing our pay status with other court workers in other areas, we find our responsibilities exceed theirs in that they tend to be more specialized with intake, aftercare, etc., and those that have similar responsibilities to our own earn a great deal more money.

A breakdown of educational requirements of Youth Court workers in the State of Montana is as follows:

Those with a GED - None.
Those with a High School diploma and one
to three years of college - 12%.
Those with a Bachelor's Degree - 76%.
Those with a Master's Degree - 12%.

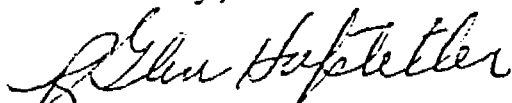
There are currently 17 Youth Court workers working on their Master's, which would increase those holding a Master's Degree to almost 40%. Special schools attended are too numerous to mention.

Youth Court workers with less than one year of employment - 12%.
Youth Court workers with 5.3 years mean experience - 88%.

Age distribution ranges from 23 to 65 years. 36.5 years is the mean for males and 27.3% is the mean for females. 14% of the Youth Court workers in the state are female and 86% are male.

Youth Court workers work approximately 18 extra hours per week. 96% of the Youth Court workers are on call - 4% not on call.

Sincerely,



R. GLEN HUFSTETLER
Chief Probation Officer

RGH/gw

Youth Probation Office
P.O. Box 326
Glasgow, MT 59230

February 2, 1981

Mr. Glen Hufstetler
Chief Probation Officer
P.O. Box 839
Kalispell, MT 59901

Dear Glen:

In response to your letter of January 20, 1981, regarding probation officers' salaries, I would like to add a few of my own thoughts.

Youth Probation has certainly come a long way in the State of Montana from the branch of law enforcement to what it is today - an extension of the judicial branch with high educational standards requiring the mastering of many disciplines in order to perform the duty currently required by law in dealing with youthful offenders.

The Probation Officer Association has taken it upon itself to sponsor on-going education and training for its members in order to continually upgrade its ranks in order to provide the best service possible for our clients.

The Youth Court Act is a complex law dealing with youthful offenders and as such requires the probation officer to function expertly in numerous areas such as crime prevention, preservation of the family unit, supervision, conducting preliminary investigations, conducting social studies, making recommendations to the Court - the list goes on and on. The conclusion drawn is that the probation officer's job is unique unto itself and totally different from that of adult probation and parole and juvenile aftercare.

As you are aware, probation officers' salaries are set by the legislature, the last being the 1978 legislature. One of the problems with the probation officer's salary is that it has never been set up in matrix form which would provide for yearly raises as with other branches of government. I am not suggesting that we join the state payroll plan but implement our own matrix giving probation officers yearly raises. Ideally, consideration should be given to chief probation officers by length of service and

FEB 3 REC'D

Mr. Glen Hufstetler
February 2, 1981
Page 2

educational achievement. Further the minimal educational requirements for the hiring of a new chief probation officer should be that he have a Master's Degree in the Social Sciences. This would not affect anyone currently employed as chief probation officer but would add to the already high standard of education and training which the probation officers have attained the last five years. In order to maintain and bring added professionalism to the Court, it is necessary that these individuals be adequately commensurated. For those reasons it is appropriate that a new pay schedule be enacted at this time.

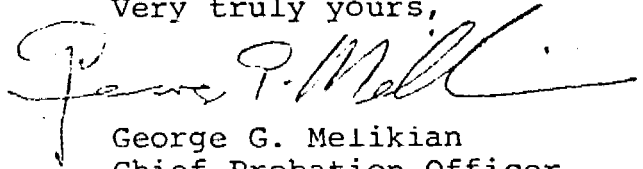
Various legislators have often remarked to members of our Association that they are tired of the Probation Association's continual lobbying efforts with regard to salary increases and that the Association should draw up a pay matrix for legislators to consider. We agree. A plan has been proposed and we strongly urge that the legislature give this matter strong consideration. The matrix would give salary increases on an annual basis as well as probation officers to spend their time and energy in other, far more important matters.

We as probation officers suffer with the rising inflation and cost of living along with everyone else. We do not propose anything outlandish nor a get-rich-quick scheme. We would, however, like to at least work toward attempting to keep up with the escalating cost of living and inflation.

Thank you for your time and consideration. If you have any questions, feel free to contact me at any time.

I will forward this letter to our area legislators and to the chairman of the committee in which our bill will be sent to. If you have any other comments or suggestions, please let me know.

Very truly yours,



George G. Melikian
Chief Probation Officer

GGM/js

Exhibit F(3)

*Youth Court Probation
Seventh Judicial District*

DAWSON, RICHLAND, WIBAUX
AND McCONE COUNTIES
(406) 365-4675

L. C. GULBRANDSON
JUDGE

CRAIG J. ANDERSON
CHIEF PROBATION OFFICER

COURTHOUSE - BOX 811
GLENDALE, MONTANA 59330

February 3, 1981

R. Glen Hufstetler
Chief Probation Officer
P.O. Box 839
Kalispell, MT 59901

Re: SB 325

Dear Glen:

Enclosed is a copy of letters sent to all Senators on the
Local Government Committee regarding SB 325. Your memo of Jan.
19, 1981 was helpful in preparing those letters.

Thank you.

Sincerely,

Craig
Craig J. Anderson

Encl. 2

Youth Court Probation

Seventh Judicial District

C. GULBRANDSON
JUDGE

RAIG J. ANDERSON
CHIEF PROBATION OFFICER

COURTHOUSE - BOX 811
GLENDALE, MONTANA 59330

DAWSON, RICHLAND, WIBAUX
AND McCONE COUNTIES

(406) 365-4675

February 3, 1981

The Honorable George McCallin, Chairman
Local Government Committee
State Senate
Capitol Station
Helena, MT 59501

Re: SB 325 "Revising the Salary Schedule of Youth Court
Probation Officers"

Dear Senator McCallin:

I am writing in support of SB 325 regarding the revision of the salary schedule for Youth Court Probation Officers, which is scheduled for a hearing in the Local Government Committee. Currently, salaries of Chief Probation Officers are mandated not to exceed \$20,000 per year as established by the last legislature. SB 325 is an attempt to establish a pay plan for Youth Court workers which would alleviate the legislature from having to change Youth Court salaries every few years.

Youth Court workers job descriptions are unique to the communities they serve and are not easily compared to the other workers in the criminal justice system. At the present time, we, in this Judicial District offer services that include individual and family counseling, placement of youth in foster care, intake, detention processing, probation services, formal court, restitution programs and community service work. Additionally, we are on 24 hour call and available for crisis intervention. Our work hours are not limited to a 40 hour work week as we continually strive to identify and meet the needs of youth and families in the communities we serve.

I urge your careful consideration and favorable support for SB 325. If you have any questions or concerns, please feel free to contact me.

Sincerely,



Craig J. Anderson
Chief Probation Officer

CJA/st

FEB 4 REC'D

Senator McCallum said if we kill this bill, we will be going back to having someone designated as chief of the rural fire districts.

Sheriff O'Reilly said he was ordered not to fight structure fires in non-district areas. This would have cleared that up.

Senator Ochsner's motion carried with all in favor except Senators Hammond and O'Hara.

DISPOSITION OF SENATE BILL NO. 215: Senator O'Hara said he thinks we should raise the fees. He is for charging the people creating the problem.

The following amendments were suggested: Page 1; line 15 strike \$10 and insert \$5, line 22 strike \$10 and insert \$5, line 25 strike \$1 and insert \$2.50. Page 2; line 3 strike \$10 and insert \$5, line 5 strike \$10 and insert \$7, line 7 strike \$10 and insert \$5, line 9 strike \$10 and insert \$5, line 11 strike 50 cents and insert 25 cents, line 14 strike everything through \$2 and insert \$5, line 18 strike \$15 and insert \$7.50.

Senator O'Hara moved the bill DO PASS as amended.

Senator Van Valkenburg asked about the last line whereby the fees must be credited by the county treasurer to the sheriff's budget.

Senator McCallum said it has to be reappropriated if it is not a revolving fund.

Senator O'Hara's motion carried unanimously.

DISPOSITION OF SENATE BILL NO. 343: Senator Hammond moved the bill DO PASS as amended. The motion carried unanimously.

DISPOSITION OF SENATE BILL NO. 354: Senator Conover moved the bill DO PASS. The motion carried unanimously, Senator O'Hara was excused.

DISPOSITION OF SENATE BILL NO. 359: Senator McCallum said there were two parts that bothered him. The resolutions could be proposed one right after the other, there is no restriction there. Also, you are doing away with the petition proposition.

The committee decided to let the bill sit.

DISPOSITION OF SENATE BILL NO. 362: Senator Van Valkenburg moved the bill DO PASS. Senators Ochsner and Hammond were opposed, Senator O'Hara was excused, all others voted aye.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 2/18/81 Senate Bill No. 343 Time 7:30

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	✓	
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	✓	
Senator Fred Van Valkenburg	✓	

Gail Stockwell
Secretary, Gail Stockwell

George McCallum
Chairman, GEORGE MCCALLUM

Motion: Senator Hammond moved ON PASS as
amended.

(include enough information on motion—put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 18

19 81

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration SENATE Bill No. 343

Respectfully report as follows: That SENATE Bill No. 343
be amended as follows:

1. Page 1, lines 16 through 22.

Following: "district."

Strike: the remainder of line 16 through line 22

Insert: "A proposed refuse disposal district shall be comprised of one or more existing voting precincts that may cross county lines. Not less than 25% of the qualified electors of each precinct who are taxpayers upon property within the proposed district and whose names appear on the last completed assessment roll for state and county taxes may initiate by petition the proceedings for creation of a refuse disposal district. The consent of the governing body of an incorporated city or town must be obtained to be included in a district."

And, as so amended,

DO PASS *W/C*

OPPONENTS SB 71

There were no opponents present to testify on this bill.

QUESTIONS BY THE COMMITTEE:

Spilker: Is it possible that the libraries have not been getting enough requests from people to use the codes and therefore have felt it was not necessary to use money from their budgets to buy the codes?

Engel: I don't think this is the case. They do not have the money in the budget for the codes.

SENATE BILL 325-SPONSOR, Senator Stephens, introduced this bill which sets the salary range for a chief probation officer at a minimum of \$17,000 a year and a maximum of \$22,000 a year. The bill further requires the youth court of the district court to annually increase this salary by a percentage of the previous year's consumer price index. Senator Stephens gave a brief description of the job and type of work these people do, relating to the committee that this is a "special kind of job which requires a special kind of person". He stated that this field has a very low job turnover and this bill would help to maintain that status. The people in this field, he stated, are well educated people most of whom have bachelor degrees and several with masters.

PROPONENTS

MIKE REDPATH, Probation Officer, Great Falls, related to the committee some of the different areas of responsibility of a probation officer including developing their own budget, dealings with all organizations that have services for juveniles, working with families and individual groups and working with the Department of Institutions and the school districts.

GLEN HUFSTETLER, Probation Officer's Assoc., Kalispell, stated that there are currently in Montana, 64 full time probation officers. None of these has received GED. He stated that 76% have bachelors and 12 % have masters. There are 17 more working on their masters, when they have completed this, there will be 40% with masters.

JEREMIAH JOHNSON, Probation Officer's Assoc., Missoula, pointed out to the committee that the appropriations for this bill are not situated in one single county. The

SB 325 (cont.)

salaries are paid by the county and the amount they pay will vary depending on whether they are multi or single county judicial districts.

OPPONENTS

None

MIKE STEPHEN, Montana Assoc. of Counties, stated that they are not really opposed to the bill but are in a "grey area" concerning this issue. He said that much of the language in this bill is consistent with bills that are being considered in the House. We have a question, he stated, as to why this bill is not being heard in the Local Government Committee with other bills concerning increases in county wages. He said their concern is that the county is able to pay the increases and possibly this increase is higher than some others being proposed in local government.

QUESTIONS BY THE COMMITTEE:

Pistoria: When did you recieve your last raise?

Hufstetler: Two (2) years ago.

Pistoria: Do you use your own car on the job?

Redpath: Yes.

Sales: What is the justification for the cost of living factor in this bill? I have a problem with this type of thing.

Stephen: I know this is a difficult problem, but the intent of this cost of living adjustment is to eliminate the problem of having to come to the legislature every two years to plead for salary increases.

Spilker: I agree that they should not have to come back every session but I think they should be on the salary scale instead of having a COLA.

Stephen: You are talking about a matrix set up for an individual group. The probation officers are not against that but the Senate amended that out of the original bill.

Senate Bill 325 (cont.)

Phillips: There is a significant cost factor involved but we do not have a fiscal note.

Stephen: There is no fiscal note but if all of the 64 officers in the state got a \$2000 increase it would be \$128,000.

Senator Stephens closed the hearing on SB 325.

SENATE BILL 204-SPONSOR, Senator Steve Brown, introduced this bill which states that age is a valid, bona fide occupational qualification for the position of firefighter. It raises the maximum age at which a firefighter may be hired from 31 years to 34. Senator Brown said that this bill came about as a result of a call he received from a constituent who had taken the tests and passed the physical to become a firefighter but because he was 32 he did not qualify. He stated that after checking with several other systems he has found that 35 is the average maximum age limit for hiring if there is any limit at all.

PROPOSERS

AL SAMPSON, Montana State Firechiefs Assoc., stated that they have had some problems with the federal people concerning the legality of having an age limit and there is a possibility that they have no grounds for this limit anyway, therefore, they have no objection to this bill other than the possible impact on the retirement disability program. He stated that the average age of a new firefighter is twenty-six and a situation such as Senator Brown cited is very unusual so the impact would probably be very minimal.

HARRY CRAWFORD, Montana State Firefighter's Assoc., stated that they reluctantly support this bill.

OPPOSERS

There were no opposers present to testify on SB 204.

QUESTIONS BY THE COMMITTEE:

Sales: If a firefighter doesn't start until he is 34 and he would have to work 20 years before getting retirement he would be 54 before he could retire and I do not think a person that age could keep up the pace of the job.

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EXECUTIVE SESSION (cont.)

SENATE BILL 325

NO ACTION TAKEN

Representative Spilker said that the committee should consider holding this bill until they can get further information concerning other salary increase requests or until they can see what happens to SB 50 which will be heard in Local Government Committee this week.

The committee agreed to hold SB 325.

A motion was made to adjourn at 10:30 a.m.

Respectfully submitted,



G. C. "JERRY" FEDA, Chairman

Cathy Martin-Secretary

VISITORS' REGISTER

HOUSE STATE ADMINISTRATION COMMITTEE

BILL SB 325

Date 3/9/81

SPONSOR S. STEPHENS

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

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RM 436

EXECUTIVE SESSION 10:00 a.m.

SENATE BILL 325-

BE CONCURRED IN
AS AMENDED

Senate Bill 325 was heard in committee on March 9, 1981. No executive action was taken because it was the understanding of the committee that this bill would be merged with another bill, possibly SB 50, but this was not done.

Representative Dussault said that SB 50 was reported out of Local Government Committee with the cost-of-living increase set at 70% of the Consumer Price Index. She said that most of the elected officers feel that the discretionary feature would lead to more problems. The only ones that wanted the variance were the commissioners because they need this discretion in some of the smaller counties. Representative Dussault said that the intent was to provide some type of equalization across the counties. If the flexibility was left in you would have people coming in session after session trying to get adjustments in salary. The 70% would allow an inflationary margin.

Representative Spilker said that she had trouble with setting these salaries on the basis of the Consumer Price Index. She agreed that it might help to keep them from coming back every session but with the proposed budget cuts to curb inflation we could be talking about a CPI of a negative figure. What would happen if they had to take a drop in salary.

Representative Sales said that it would be looked at again in two years.

Representative Dussault said that it is important to remember that we are attempting to coordinate about 3 or 4 bills which will probably end up in a conference committee where all these problems can be worked out.

Representative Dussault moved that SB 325 be amended to strike on page 1, line 23, "not more than". A roll call vote was taken and carried with 10 YES, 7 NO and 2 members absent. See roll call vote sheet.

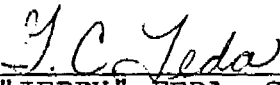
Representative Briggs moved that SB 325 BE CONCURRED IN AS AMENDED. A vote was taken and carried unanimously.

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Chairman Feda said that the subcommittee working on the resolution for a study on centralized procurement would meet following the adjournment of the meeting.

A motion was made to adjourn at 11:00 a.m.

Respectfully submitted,



G. C. "JERRY" FEDA, Chairman

Cathy Martin-Secretary